

ASSEMBLY BILL

No. 1504

Introduced by Assembly Member Stone

January 14, 2014

An act to add Division 8.55 (commencing with Section 22964) to the Business and Professions Code, relating to single-use filter cigarettes.

LEGISLATIVE COUNSEL'S DIGEST

AB 1504, as introduced, Stone. Single-use filter cigarettes.

Existing law, the Stop Tobacco Access to Kids Enforcement Act, requires all persons engaging in the retail sale of tobacco products to check the identification of tobacco purchasers, to establish the age of the purchaser, if the purchaser reasonably appears to be under 18 years of age. Under existing law, an enforcing agency, as defined, may assess civil penalties against any person, firm, or corporation that sells, gives, or in any way furnishes to another person who is under 18 years of age, any tobacco, cigarette, cigarette papers, any other instrument or paraphernalia that is designed for the smoking or ingestion of tobacco, or products prepared from tobacco. The existing civil penalties range from \$400 to \$600 for a first violation, up to \$5,000 to \$6,000 for a 5th violation within a 5-year period.

Existing law prohibits the sale, distribution, or nonsale distribution of tobacco products directly or indirectly to any person under 18 years of age through the United States Postal Service or through any other public or private postal or package delivery service at locations, including, but not limited to, public mailboxes and mailbox stores. Under existing law, a district attorney, city attorney, or the Attorney General may assess civil penalties against a violator of that provision

of not less than \$1,000 or more than \$2,000 for the first violation and up to \$10,000 for a 5th violation within a 5-year period.

Under existing law, every person, firm, or corporation that knowingly or under circumstances in which it has knowledge, or should otherwise have grounds for knowledge, sells, gives, or in any way furnishes to another person who is under 18 years of age any cigarette, among other specified items, is subject to either a criminal action for a misdemeanor or to a civil action brought by a city attorney, a county counsel, or a district attorney, punishable by a fine of \$200 for the first offense, \$500 for the 2nd offense, and \$1,000 for the 3rd offense.

This bill would state findings and declarations of the Legislature regarding the health and safety hazards to residents of the state related to single-use cigarette filters. The bill would prohibit a person or entity from selling, giving, or in any way furnishing to another person of any age in this state a cigarette utilizing a single-use filter made of any material, including cellulose acetate, or other fibrous plastic material, and any organic or biodegradable material. The bill would prohibit that selling, giving, or furnishing, whether conducted directly or indirectly through an in-person transaction or by means of any public or private method of shipment or delivery to an address in this state.

This bill would provide that each violation of that prohibition is subject to a civil fine of \$500, and would authorize a district attorney or city attorney to assess that civil fine.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Division 8.55 (commencing with Section 22964)
2 is added to the Business and Professions Code, immediately
3 following Section 22963, to read:

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5 DIVISION 8.55. PROHIBITION ON SINGLE-USE FILTER
6 CIGARETTES

7

8 22964. (a) Studies published in the peer-reviewed journal
9 Tobacco Control estimate the percentage of smokers who litter to
10 range from 75 percent to 92 percent, for smokers between 21 and
11 25 years of age. It is estimated that 845,500 tons of cigarette butts
12 become litter around the globe each year.

1 (b) Cigarette butts have consistently been the single
2 most-recovered item since collections began among volunteer
3 groups, including the Ocean Conservancy and its International
4 Coastal Cleanup event, which cleans litter in waterways, beaches,
5 and parks in this state.

6 (c) Although the citation rate for littering cigarette waste is
7 annually about five times that of general litter from vehicles, as
8 reported in the Department of Motor Vehicles' citation statistics,
9 cigarette butts remain at the top of the list for litter on our
10 highways.

11 (d) The Department of Transportation has estimated the costs
12 to clean up cigarette butts at forty-one million dollars (\$41,000,000)
13 annually.

14 (e) The City and County of San Francisco has estimated costs
15 for city abatement of cigarette butts at over six million dollars
16 (\$6,000,000) annually.

17 (f) From 2006 to 2008, the American Association of Poison
18 Control Centers reported approximately 12,600 cases of children
19 ingesting cigarettes or cigarette butts. Children under six years of
20 age are especially prone to cigarette butt ingestion.

21 (g) The well-documented and common occurrence of cigarette
22 butt ingestion by domestic animals points to the larger impact that
23 improperly discarded cigarette butts have on our environment and
24 wildlife.

25 (h) As early as the mid-1960s, the Surgeon General of the United
26 States judged cigarette filters to be useless in reducing harm to the
27 average smoker.

28 (i) Banning the sale, gift, or other furnishing of cigarettes with
29 single-use filters is necessary to keep toxic litter out of our state's
30 environment and promote the health and safety of our state's
31 residents.

32 22965. (a) No person or entity shall sell, give, or in any way
33 furnish to another person, of any age, in this state, a cigarette
34 utilizing a single-use filter made of any material including, but not
35 limited to, cellulose acetate, or other fibrous plastic material, or
36 any organic or biodegradable material. The prohibition under this
37 subdivision applies to any direct or indirect transaction, whether
38 made in-person in this state or by means of any public or private
39 method of shipment or delivery to an address in this state.

1 (b) The sale, gift, or other furnishing of one to 20 cigarettes
2 constitutes a single violation of this section.
3 22966. Each violation of Section 22965 is subject to a civil
4 fine of five hundred dollars (\$500). Only a district attorney or city
5 attorney may assess the civil fine against each person determined
6 to be in violation of Section 22965. Fine moneys assessed pursuant
7 to this section shall be deposited in the treasury of the city or
8 county, respectively, of the city attorney or district attorney who
9 assessed the fine.

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